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To the CATHOLICS of England.

MY LORDS AND GENTLEMEN,

I.

WE have the honor to lay before you, a *ſhort account of the principal Circumſtances attending our attempt, to procure for the CATHOLICS OF ENGLAND an Exemption from the Laws, enacted in this Kingdom againſt PAPISTS OR PERSONS PROFESSING THE POPISH RELIGION.*

It was ſet on foot in the beginning of laſt Year,—when the Committee, with the Approbation of a General Meeting of the Body, preſented a Memorial to Mr. Pitt, ſtating briefly, the Grievances, under which the Body of Engliſh Catholics labour, and the principal Grounds, upon which they claim Relief. The Memorial was preſented to him in February. He received it favorably; and at a Conference between him and ſome of the Members of the Committee, deſired to be furniſhed with Authentic Evidence of the Opinion of the Catholic Clergy and Catholic Univerſities abroad, with reſpect to the Exiſtence and Extent of the Pope's diſpenſing Powers.—In Conſequence of this requiſition, three Queſtions were ſent to the Univerſities of Paris, Louvain, Doway, Alcala, Salamanca, and Valladolid, for their Opinions upon them. Their Opinions were accordingly obtained, and proved very ſatisfactory.—In the mean time, the Seaſon was ſo far advanced, that it became impoſſible to bring the Buſineſs into Parliament with any proſpect of procuring eſſential Relief, during that Seſſion. It was therefore neceſſary, that it ſhould lie over to the following Year. But that every thing might be in readineſs to proceed immediately upon the opening of the next Seſſion, Directions were given, that, during the Receſs, an Act of Parliament ſhould be framed, which ſhould repeal all the Laws, by which the Engliſh Catholics are placed in a worſe ſituation than his Majeſty's other diſſenting Subjects.—Such an Act was accordingly prepared.—This brought the Buſineſs to the Cloſe of the Year 1788.—In the Month of December in that Year, a Perſon of high rank in this Country, ſent the Proteſtation to the Committee, with a Letter recommending that all the Catholics ſhould ſign it.—To ſtate this Matter fully, it may be proper to obſerve, that the Statutes of Nonconformity affect, (but in a very different Degree,) three different Sets of Perſons, Catholics, Proteſtant Diſſenters, and Perſons of the eſtabliſhed Church. All of them were then applying to the Legiſlature for Relief againſt theſe Statutes, and Earl Stanhope's Bill was pending in Parliament. The particular Object of that Bill was to give relief to the Nonconformiſts of the Eſtabliſhed Church: but in its conſequences it would liberate Perſons of every Deſcription from the Penalties of Nonconformity.—The effects of his Bill would therefore have extended equally to Catholics, to Proteſtant Diſſenters, and to Members of the Eſtabliſhed Church; but as there is a prejudice againſt Catholics, which does not lie, at leaſt in the ſame degree, againſt any other Diſſenters, it was thought neceſſary to uſe, with reſpect to them, a Method of Recommendation to the Public, which the others did not appear to want. This was, that they ſhould ſolemnly diſclaim ſome of the Tenets imputed to them. For this Purpoſe, with long conſideration, and after attentively peruſing the works of ſome of our beſt Apologiſts, and conferring with Miniſters, and ſome of the leading Men of all Parties, the Proteſtation in queſtion was framed, and we were called upon to ſign it.—The very inſtant the Committee received it, they tranſmitted it to Mr. Walmeſley, Mr. James Talbot, Mr. Thomas Talbot, and Mr. Matthew Gibſon.—They all ſigned it.—The three firſt with their own hands,—Mr. Matthew Gibſon, by Mr. James Talbot, whom he authoriſed to ſign it for him, if he judged it proper. With *very few* exceptions, it was ſigned by all the Clergy, and all the Laity of any

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note, in the kingdom of England. The Bill then was new modelled.—We beg leave to obſerve, that the Advantages we ſhall derive from its paſſing into a Law, will be very conſiderable.—Speaking generally, it will place us on a level with the Proteſtant Diſſenters, except as to the rights of voting at Elections, and ſitting in Parliament.—The Proviſoes in it, you will pleaſe to obſerve, have not the effect of enacting new Laws. Their only effect is to prevent, in the particular inſtances there enumerated, the operation which the Act would otherwiſe have to repeal the Laws now in force. Not one of them impoſes any new penalties on the Catholics. They only except the particular caſes there ſpecified from the general operation of the Act.—The length of time it took, to arrange the Bill, to the ſatisfaction of the different parties, with whom it was found neceſſary to adviſe, made it ſo late in the Seſſion, before it was finally ſettled, that it was thought adviſeable, the bringing of it into the Houſe ſhould be poſtponed till the next Seſſion.—But to put it in a train to proceed when buſineſs ſhould be reſumed, and as far as lay in our power to draw the attention of the Houſe upon it, we requeſted Mr. Mitford to inform the Houſe of his intention to bring it in,—and to apprize them generally of its tendency and operation.—This he obligingly did;—and for the information of the Public,—particularly the perſons chiefly intereſted,—the Engliſh Catholics,—we printed the Heads of the Bill in the Public Papers.—Theſe have been the principal circumſtances attending the Bill. We ſhall now lay before you the principles and grounds upon which we have framed it.

II.

THE prominent feature of the Proteſtation and the Oath, certainly is, their introducing to the notice of our Laws, and that, in a very marked and pointed manner, a deſcription of Perſons wholly unknown to them before, *THE PROTESTING CATHOLIC DISSENTERS*.—On the propriety of this deſcription, and its probable efficacy, the merit of the plan adopted by us chiefly reſts.

I. WITH reſpect to *its propriety*:—The deſcription, we ſubmit to you, muſt be proper, if the Perſons, whom it is intended to characterize, be deſcribed by it accurately and pointedly,—and if thoſe perſons have a real exiſtence.—Now that the deſcription is both accurate and pointed, and that, by far the greateſt part, if not the whole body of Engliſh Catholics fall under it, ſeems unqueſtionable.—The deſcription is contained in the preamble of the Act.—It recites, "That, by divers Laws now in force concerning Papiſts, or "Perſons profeſſing the Popiſh Religion, divers penalties and diſabilities had been impoſed on ſuch perſons on "account of certain pernicious doctrines imputed to them,—and that, divers perſons, who according to the "Laws now in being, are within the deſcription of Papiſts, or perſons profeſſing the Popiſh Religion, do not "hold, and have proteſted againſt, ſuch pernicious doctrines, although they continue to diſſent, in certain points "of faith, from the Church of England, and are therefore called *Proteſting Catholic Diſſenters*, and that ſuch "perſons are willing ſolemnly to proteſt againſt, and to declare that they do not hold ſuch pernicious doctrines."—Nothing can be more accurately or more pointedly told, than the fact contained in the firſt member of the recital,—that by divers laws now in force concerning Papiſts or perſons profeſſing the Popiſh Religion, divers penalties and diſabilities have been impoſed on them, on account of certain pernicious doctrines attributed to them. Is any thing more true than that Laws are now in force againſt Papiſts? that theſe Laws impoſe penalties and diſabilities on them? and that theſe penalties and diſabilities were impoſed on them, on account of certain pernicious doctrines attributed to them? Each of theſe facts is accurately and pointedly mentioned, each of them is ſtrictly and literally true.—Every member of the following ſentence, "and that divers Perſons, &c." is equally accurate, pointed, and true.—Is it not true, that divers perſons, who according to the laws now in being, are within the deſcription of Papiſts, do not hold the pernicious doctrines attributed to them?—Is it not true, that, divers perſons, within the deſcription in queſtion, have proteſted againſt ſuch pernicious doctrines, though they ſtill continue to diſſent, in certain points of faith, from the Church of England? Is it not true, that, divers perſons within the deſcription of Papiſts, and diſſenting in certain points of faith, from the Church of England, are willing ſolemnly to proteſt againſt, and to declare that they do not hold the pernicious doctrines attributed to them?—Theſe, the Act ſays, are called Proteſting Catholic Diſſenters.—The preciſe meaning to be affixed to each of theſe words, is ſo clearly expreſſed, in the ſecond of the two ſentences, we have cited from the Act, as not to admit of any doubt.—From this part of the Act it clearly appears, that, the perſons in queſtion are termed *Diſſenters*,—becauſe they *diſſent* in certain points of faith from the Church of England,—that they are termed *Catholic*,—becauſe they profeſs to be members of the Catholic Church,—and that, they are termed *Proteſting*,—becauſe they have proteſted, and are willing to proteſt againſt, and to declare they do not hold the doctrines attributed to them.

BUT it is ſaid, "That the preamble of the Act will be conſidered as referring to the Proteſtation contained in the Oath preſcribed by it, *and that by the Oath ſome doctrines are proteſted againſt which are not pernicious, and ſome which are even articles of faith.*

To

To this we beg leave to anſwer, that, it certainly muſt be admitted, that the preamble is to be conſidered as referring to the Proteſtation contained in the Oath:—and that, if by the Oath, any doctrine be proteſted againſt, which is not pernicious, or, *a fortiori*, if any doctrine be proteſted againſt, which is an article of faith, the preamble cannot be acquieſced in, by any Catholic, with a ſafe conſcience. Whether the doctrines proteſted againſt by the Oath, be or be not pernicious, and whether any of them be matters of faith will be afterwards examined.—All that is contended for at preſent, is, that, if the doctrines proteſted againſt by the Oath be pernicious, and be falſely attributed to Catholics,—the propriety of the expreſſion, proteſting Catholic Diſſenters, is unqueſtionable. In that caſe all the Catholics who will take the Oath preſcribed by the Act will fall under it. Having taken it,—as they continue to diſſent in certain points of faith from the Church of England, the Act ſtyles them Diſſenters;—As they continue members of the Catholic Church,—the Act ſtyles them Catholics;—and as they have proteſted againſt certain pernicious doctrines attributed to them.—the Act ſtyles them *Proteſting Catholic Diſſenters*.—This explanation does not reſt upon inference or implication; It is given in expreſs words by the Act itſelf.

Another objection made to the deſcription in queſtion, is, " That it *implies* in a very marked and pointed manner, that, *though the doctrines in queſtion are not held by ſome Catholics, they are held by others.*"

But admitting this to be the caſe, We beg to obſerve to you,—that, among the doctrines intended to be proteſted againſt by the Oath, are:—I. That, Princes excommunicated by the Pope may be depoſed by their Subjects:—II. That, the Pope can abſolve Subjects from their Allegiance:—III. That, the Pope hath a Civil Juriſdiction within the Realms of other Princes:—IV. That the Pope is infallible:—V. And that a breach of faith with a perſon may be juſtified, under the pretence that ſuch perſon is an Heretic or an Infidel.—Of theſe tenets, the laſt was never a prevailing opinion among Catholics, and the contrary doctrine has been maintained by Catholic writers of every age and every country.—The doctrine of the *Pope's Infallibility*, in matters of Faith, (by which, we beg to ſay, is always meant his perſonal Infallibility, independently of the general body of the Church,) once had many advocates, and among them perſons eminent for their learning.—Some it ſtill has, in parts beyond the Alps.—Thus this doctrine, though rejected by the Proteſting Catholic Diſſenters, is maintained by ſome other Catholics.—If therefore the Act, either expreſs or imply, the exiſtence of the diſtinction in queſtion, it does not, in this reſpect at leaſt, expreſs or imply what does not exiſt.—With reſpect to the other doctrines againſt which the Oath proteſts, viz.—That *Princes excommunicated by the Pope may be depoſed by their ſubjects*;—That the *Pope can abſolve Subjects from their Oath of Allegiance*;—And *that the Pope hath a civil Juriſdiction within the Realms of other Princes*—theſe, certainly were never articles of our Faith.—But the doctrine, that the Pope was poſſeſſed of all thoſe powers by divine right, was once a very prevailing opinion. It was aſſerted in expreſs terms, and attempted to be carried into execution by Pope Gregory VII. by Paul IV. Pius V. Gregory XIII. Sixtus V. and ſome other Popes. Has any Pope ever diſclaimed them, or permitted his right to them to be queſtioned in his own dominions? Cardinal Bellarmine wrote ſeveral Treatiſes for the ſole purpoſe of proving the Pope's power in Temporals. In ſupport of his Theſis, he cites the authority of many provincial Councils and numberleſs writers of great name.—But to confine ourſelves to the hiſtory of our own nation,—In the year 1602, Mr. William Biſhop, then the Biſhop of Calcedon, and Twelve other Prieſts ſigned a Proteſtation of Allegiance. See Dod's Church Hiſtory, 11 vol. p. 292. The faculty of Louvain cenſured it in the ſtrongeſt terms. " In ea," (this is their language,) " videntur ſupponere pontificem non habere " indirectam ſaltem poteſtatem in temporalibus, ſive principem per nullam eccleſiaſticam poteſtatem regno ſuo " poſſe privari vel abſolvi ſubditos a juramento, fidelitatis quo eiante parere tenebantur, hoc autem ſine dubio " falſum eſt." " The Remonſtrants," (ſay the Faculty) " ſuppoſe that the Pope has not even an indirect " power in Temporals, — and that Princes cannot be depoſed by their ſubjects, nor their ſub- " jects abſolved from their Allegiance to them, by any eccleſiaſtical power, which without a doubt is " abſolutely falſe."—(See Remonſtrantia Hibernorum contra Lovanienſes ultra-montanaſque cenſuras, auctore Caron, Theologo emerito, 1655.) In 1662, ſome of the Iriſh Catholics preſented a Remonſtrance to Charles II.—It is a mere declaration of allegiance, and reprobation of the king-killing and depoſing doctrines. It was condemned by the Cardinals, and by the univerſity of Louvain, and the Remonſtrants were excommunicated. Mr. Carte ſays, they were on the point of ſtarving in their own country.—When the Oath of Allegiance was propoſed to the Catholics, in the reign of James I. Cardinal Bellarmine compoſed ſeveral Treatiſes to ſhew, that, it was not lawful for them to take it, becauſe, among other grounds, it contained an expreſs denial of the Pope's power in Temporals.—He treats the contrary opinion, almoſt as heretical. Leonardus Leſſius, Gretzer, Suarez, and Becanus, publiſhed Treatiſes upon the ſame occaſion to enforce the ſame doctrines.—It is remarkable, that, Bellarmine only contended for the Pope's having an indirect power in Temporals, and that ſome very reſpectable writers of his life ſay, that, by not admitting him to have a direct power in Temporals, he incurred the diſpleaſure of the See of Rome.—There are frequent inſtances where the Clergy and Parliament of France,

have had occaſion to cenſure publications, where the Pope's power in Temporals has been maintained, but is there any inſtance where theſe publications have been checked by the See of Rome?—Some times even, as in the caſes of Bellarmine and Suarez, the Pope has given diſtinguiſhed marks of his approbation of Treatiſes in which theſe doctrines were held. The Declaration of the Clergy of France in 1682 was proſcribed by Pope Innocent XI.—Till Ganganelli was elected to the Tiara, the Bull *in Cœnâ Domini*, was ſolemnly read on every Maundy Thurſday, in Saint Peter's at Rome. We beg to refer to two very ſenſible and very able treatiſes in Latin of Mr. Preſton, an Engliſh Benedictine Monk, publiſhed by him under the name of Roger Widdrington, in anſwer to Bellarmine, Leſſius, Gretzer, and Becanus. In both of them, he admits Bellarmine's to be the general opinion; he ſeems even to concede, that, it is the more probable opinion;—he only profeſſes to contend, that, it is not an article of Faith; and that, the contrary opinion has ſo much probability in it, that it may be followed in practice, with a ſafe conſcience.—This ſeems to juſtify us in ſaying, that, the opinion in queſtion was once a very general opinion.—By ſome it is maintained at this day. There are therefore too good reaſons to argue, that, a real and ſubſtantial diſtinction exiſts between thoſe Catholics who maintain, and thoſe who reject, the doctrine of the Pope's temporal power. In this reſpect, therefore, the oath ſeems unobjectionable.—But before we quit this ſubject we beg to obſerve, that the Oath of Allegiance propoſed to the Catholics by James I,*—which Bellarmine, Suarez, Gretzer, Becanus, and Leſſius reprobated as unlawful,—againſt which Paul V. fulminated a firſt, a ſecond, and a third Bull,—which he formally pronounced to contain *many things* contrary to faith and ſalvation,—which, or the like of which, he enjoined the Catholics of England never to take,—to the not taking of which, the laws paſſed ſince that time againſt the Catholics, their ſubſequent calamities, their ſequeſtrations, the extinctions of their families, and particularly the ſuſpicions entertained of their temporal dependence on the Court of Rome, are, at leaſt, in a great degree, to be attributed,—*this oath*,—*this very oath*, (with the exception that it declares the depoſing doctrine to be heretical,) is in ſubſtance the ſame as the oath of 1778;—with this exception therefore, this very oath was in 1778, taken by our preſent Vicars apoſtolic, and is in 1789 held out by them as a perfect and unexceptionable declaration of the principles of the Catholic Faith.

II. Then as to the *probable efficacy* of the plan adopted by the Committee, for conciliating the minds of the Public—The defamation of two hundred and fifty years, under which the Catholics have laboured, has raiſed a prejudice againſt them, which is not yet eradicated.—The utmoſt change in the ſentiments of the Public, that the accumulated efforts of all the writers, and the compleat innocence (in this reſpect at leaſt) of the morals and manners of the Engliſh Catholics have been able to produce, is, that, it is become a very general opinion among our adverſaries, that ſome, (though but a few) of thoſe, who profeſs the Catholic Religion, and are conſequently in communion with the See of Rome, do not maintain the tenets in queſtion; and that, however erroneous ſome of the doctrines of the Catholic Church may be, no Catholic ſhould ſuffer any civil puniſhment for maintaining them, except ſo far as they are hurtful to ſociety, or inimical to Government.—Upon theſe admiſſions of the adverſaries of the Catholic cauſe, the Committee have thought it prudent to cloſe.—They might conteſt the poſition, that, few only of the body of Catholics reprobate the doctrines in queſtion.—But waving all diſpute upon that point, they rather chuſe to try the cauſe on their adverſaries own admiſſions;—They therefore adopt the form of an Oath, in which the Catholics renounce ſuch of the doctrines imputed to them as are ſuppoſed to be morally or politically evil.—— Neither do they claim an exemption from the penal laws for all the Body; they claim it for thoſe only, who make the renunciation in queſtion.—To them the adverſaries of the Catholics (if they are conſiſtent with their own principles or even with their own prejudices,) muſt admit Toleration ought to be extended.—The operation therefore of the Bill is to leave thoſe ideal numbers of Catholics who perſiſt to hold the tenets in queſtion, (mere non-entities, we hope,) to continue victims to the laws enacted againſt all Communicants with the See of Rome, indiſcriminately, and to the animoſities, which gave riſe to them; but at the ſame time to make an opening, through which ſuch of the Communicants with that See, as proteſt againſt the doctrines in queſtion, (that is, we hope, the whole body of Engliſh Catholics,) may ſlip from under the operation of the laws in queſtion, unheeded and unobſerved.—The conſequence is, that, in fact a conſiderable portion of relief is procured for *all* the Engliſh Catholics, while at the ſame time there is little reaſon to apprehend any thing of that ſenſeleſs, but formidable outcry which was raiſed in 1780 againſt the ſtatute which paſſed in 1778, for the relief of Catholics under the appellation of Papiſts,—a name we have always conſidered opprobious, but the only name by which we have been known in the law of England, ſince the Reformation.—Upon theſe grounds, therefore, we ſubmit to you, whether the *propriety* of the deſcription in queſtion, and its *probable efficacy*, be not indiſputable.

III.

We ſhall now take the liberty to ſtate what we underſtand are the *principal objections* to the meaſure.

It is ſaid, that, *the Clauſe contained in it, by which the Catholics deny any foreign power's having a right of Juriſdiction in this Country, materially differs from the Clauſe to that effect inſerted in the Proteſtation.*

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* See the Oath at length in the Act intituled, "An Act for the better diſcovering and ſuppreſſing of Popiſh "Recuſants."—1 James I. c. 4.

In anſwer to this, we beg to obſerve, that, the words of the Proteſtation are " That no Church, nor any " Prelate, nor any Prieſt, nor any Aſſembly of Prelates or Prieſts, nor any Eccleſiaſtical power whatſoever, " hath, have, or ought to have, any juriſdiction or authority whatſoever within this Realm, that can directly " or indirectly affect, or interfere with the Independence, Sovereignty, Laws, Conſtitution or Government there- " of, or the rights, liberties, perſons or properties of the people of the ſaid Realm."—In the Oath, it is ſaid, that " no foreign Prince, Perſon, Prelate, State or Potentate hath or ought to have any Civil Juriſdiction " or Authority whatſoever, within this Realm, or any ſpiritual authority, power or juriſdiction whatſoever " within this Realm, that can directly or indirectly, affect, or interfere with the Independence, Sovereignty, " Laws or Conſtitution of this kingdom, or with the Civil or Eccleſiaſtical Government thereof as by law " eſtabliſhed, or with the rights, liberties, perſons or properties of the ſubjects thereof."—The cauſe of this difference was as follows:—In the Oath of 1778, we ſwear that, " We do not believe, that, the Pope, &c. hath, or " ought to have any Temporal or Civil Juriſdiction, &c. directly or indirectly, within the Realm,"—without the additional words, " that can affect or interfere with the Independence, &c. of this Kingdom."—Upon this it was obſerved to us, by a perſon very high in power, that, the qualifying words, " that, can affect, &c." made the Proteſtation more confined than the Oath of 1778.—To this it was anſwered, that the Oath of 1778 did not ſay any thing of the Pope's ſpiritual power, and therefore no ſuch qualifying words were then called for; but that, as the Proteſtation referred to the Pope's ſpiritual power, it was neceſſary to inſert in that, ſome qualifying words.—That, ſome Ultra-montane Divines, particularly Bellarmine, had maintained, that the Pope's ſpiritual power authoriſed him to interfere indirectly with the temporal rights of Sovereigns and their ſubjects; That, it had been intimated to us, that, we were called upon to diſclaim that doctrine;—That to this, we had no objection.;—That it was true our belief of the Supremacy of the Pope did not permit us to take the Oath of Supremacy in its preſent form, but that, believing as we did, the Pope's Supremacy to be merely ſpiritual, we conceived it perfectly ſafe for us to declare, that the Pope had no ſupremacy which could affect the rights of the Sovereign, of the ſubjects, or of the government of this Realm.—This Explanation was accepted;—it was therefore propoſed, that the negation of the Pope's Civil power ſhould ſtand unlimited and unqualified,—but that the negation of his Spiritual power ſhould ſtand qualified with the words, " that can interfere with the independence, &c. of this Realm, or the rights, perſons, or properties of the Subjects." Theſe words therefore were inſerted, *not as a denial of the Pope's ſpiritual Supremacy;—but as a denial of his having any Supremacy that affects or interferes with the Rights of the Public, or the Rights of Individuals*—We beg leave to add, that, the alteration in queſtion cannot be conſidered as a deviation from the ſubſtance of the proteſtation. —In the Proteſtation it is ſaid, that, " no Church, &c. hath or ought to have *any* Juriſdiction or Authority " *whatſoever* within this Realm, that can directly or indirectly affect or interfere with the Independence, " &c. of the Realm, or the Rights, &c. of the People." The words " *any*" and " *whatſoever*," are ſurely tantamount to the words " *any Juriſdiction, ſpiritual or temporal.*" When therefore the Oath ſays, that, no Church, &c. hath any Juriſdiction, ſpiritual or temporal, &c. it cannot be conſidered as including any ſpecies of Juriſdiction, &c. which is not neceſſarily included in the words, " any Juriſdiction whatſoever."

Another Objection to the Oath, we underſtand, is, that, *by it we deny the Church's having a Spiritual Power.*

Nothing could be further from our Thoughts: And the objection, we conceive muſt vaniſh the moment the true meaning or import of the expreſſions uſed in the Oath is adverted to. It is not meant to deny by them the ſpiritual Authority of the Church to preach her Faith, adminiſter her Sacraments, Ordain the Miniſters of her Word, puniſh by ſpiritual Puniſhments, or reward with ſpiritual Rewards, or any other ſpiritual Right, with which ſhe was inveſted by Chriſt, All that is intended to be denied by the Oath, is, that Right which her divine Founder ſo conſtantly, ſo unequivocally and ſo forcibly diſclaimed, to *LEGISLATE IN TEMPORAL CONCERNS, OR TO ENFORCE HIS SPIRITUAL LEGISLATION BY A COERCION OF A TEMPORAL NATURE.* Both theſe Rights are equally temporal; both conſequently equally rejected by Chriſt, when he declared his Kingdom not to be of this world.—This is the true meaning of the Oath.—In this ſenſe, all the conteſted paſſages ſhould be explained, and ſo explained, we beg to ſay every objection to them neceſſarily ceaſes. Thus, it is objected, that, the Oath is erroneous when it proteſts againſt the right of the Church, to affect or interfere with *the perſons* of the Faithful.—But nothing can be more juſt, either in fact or in expreſſion, than theſe words, if they be explained in their true ſenſe. For who can ſay, the perſon of any Individual is liable to the legiſlation of the Church in any Concern of a temporal nature, or ſubject to be coerced to obedience to her ſpiritual Legiſlation, by temporal means?

Thus, alſo it is objected, that the Oath is erroneous when it proteſts againſt the right of the Church to affect or interfere with the *Eccleſioſtial Government of the Kingdom as by Law eſtabliſhed*—To this objection, a complete anſwer we conceive, might be made by obſerving, that, the Eccleſiaſtical Government of a Country, *ſo far as it is by Law eſtabliſhed*, is a part of the temporal Government of that Country. When therefore, it is ſaid, that, neither the Pope, nor the Church, &c. has, or ought to have any right to interfere with the Eccleſiaſtical Government of a Country, as by Law eſtabliſhed, we only repeat the propoſition, on all ſides acknowledged to be unqueſtionable, that, the Pope, &c. has not any right to interfere in the temporal

Government

Government of that Country. But without entering into this diſcuſſion, we beg to revert to our firſt anſwer, viz. that in all theſe paſſages of the Oath, nothing is meant to be denied, but a right of temporal Legiſlation, or a right to enforce ſpiritual Legiſlation by temporal means, to neither of which, it is on all hands admitted, the Church can have any juſt claim. But it may be aſked, how is it proved that the Expreſſions in queſtion are to be underſtood in this ſenſe. We beg to anſwer that, we have had repeated converſations on this ſubject with the firſt men in the kingdom—Men whoſe lives are ſpent in attending to great Legiſlative Queſtions, and deeply verſed in every ſpecies of legal and conſtitutional Information.—From Men of this deſcription, the people of England are in the habit of deriving their Notions, both of words and things.—Now, we beg to aſſure you, that, we have not met a perſon of this deſcription, we have not yet found any one man accuſtomed to conſtitutional or legal diſcuſſions, or habituated to buſineſs and its language, who does not underſtand and reaſon upon the expreſſion in queſtion in the manner we ſpeak of. We beg to add, that, a few days before our Bill was mentioned in the Houſe, we circulated a printed Caſe, among the Members of both Houſes.—We expreſs ourſelves in it in the following words.—"The Engliſh Catholic Diſſenters object to "take the Oath of Supremacy, becauſe, like every other Church in communion with the See of Rome, they "acknowledge *the ſpiritual primacy of the Pope.*

Now it cannot be thought poſſible, that, we ſhould have inſerted this expreſſion in the Caſe, if we thought it contradicted the Oath, or that if it did contradict the Oath, it would have eſcaped the Animadverſion of the public. Yet we beg leave to aſſure you, that, though the Caſes were univerſally circulated both in Parliament and out of Parliament, to this hour we have not even heard the ſuppoſed contradiction pointed out.—We alſo beg leave to aſſure you, that, we know for certain, that the leading men of the Nation underſtand, that, nothing contained in the Oath is meant as a denial of the Catholic Belief of the Pope's ſpiritual Supremacy.—But what puts the meaning of the words beyond controverſy is, that, the expreſſions of this nature, to be found in the holy Fathers, and the moſt eminent School Divines, and even the very words of the Son of God, are in this reſpect exactly in the ſame predicament as the expreſſions we are ſpeaking of. If it be agreed to underſtand them, in the ſenſe contended for above, nothing is more accurate. In any other ſenſe they are inaccurate in the extreme—ſuch as it is impoſſible ſhould fall from the lips of eternal Truth. When our Saviour ſays, *Regnum meum non eſt de hoc Mundo*—What *do* the words ſignify, what *can* they imply—but a rejection of the right of temporal Legiſlation, and the right of enforcing his ſpiritual Legiſlation by temporal means? When St. Auſtin paraphraſing this paſſage, ſays, *Audite reges terræ, non Impedio Dominationem veſtram*, Is not the word, *Impedio*, ſynonimous with the words *affect or interfere?* Does any one pretend to ſay that the Pope or the Church has a right to affect or interfere with the Civil Independence, the Civil Sovereignty, the Civil Conſtitution, or the Civil Government of this Realm?—No Divine on this ſide the Alps would aſſert it. Yet, if by the words "Affecting or interfering" is underſtood, affecting or interfering by the ſpiritual Right of preaching and teaching, it is unqueſtionably true, that the Church *has* a right to interfere with the Civil Independence, the Civil Sovereignty, the Civil Conſtitution, and the Civil Government of this Realm. For, permit us to obſerve,—If one Province of a Kingdom, were without juſtice or reaſon, to rebel againſt the State, and claim to be *independent* of her—If one ſtate were to exerciſe undue *Sovereignty* over another,—If the *Conſtitution* of a State were eſſentially wicked;—If the *Government* of a State were to be tyrannical and unjuſt—are not theſe as much ſins in the eye of God, as they are crimes in the eye of man? As ſuch are they not ſubject to the ſpiritual power of the Church, to her teaching, preaching, and cenſures? Yet that the Church has no juriſdiction or authority, that, can directly or indirectly, affect or interfere with the Civil independence, ſovereignty, conſtitution or government of a Sovereign ſtate, is acknowledged by our beſt writers. But unleſs the words affect or interfere are underſtood in the ſenſe in which we ſay they ought to be underſtood, the propoſition is falſe—Therefore, the words affect or interfere muſt be taken in the ſenſe in which we underſtand them; ſo underſtood they are perfectly free from objection.

ANOTHER objection made to the Oath, we underſtand, is, that, the party aſſerts in it "*that neither the Pope* "*nor any Prelate, nor any Prieſt, nor any Aſſembly of Prelates or Prieſts, nor any Eccleſiaſtical power whatſoever can* "*at any time diſpenſe with, or abſolve him from the obligations of this Oath, or of any Oath, or of any other Compact* "*whatſoever.*"

To this, we beg to ſay in anſwer, what ſome of the ableſt Divines of this Kingdom have mentioned to us, that, when in conſequence of an Oath taken to, or a compact entered into, with any perſon, the party taking the Oath, or entering into the Compact, has contracted any obligations to the perſon, to whom the Oath is taken, or with whom the Compact is made: in that caſe, neither the Pope nor any Prelate, nor any Prieſt, nor any Aſſembly of Prelates or Prieſts, can have any power to abſolve, or free the party from the obligations ſo contracted by him. It is true that, an Oath may be taken, and a Compact made under ſuch circumſtances, as to be abſolutely void; the conſequence is, that an Oath ſo taken, and a compact ſo made, ſubjects the party to no obligation. Such is the caſe uſually put, of a promiſe on Oath, to pay a ſum of money, extorted from the party by great perſonal violence, or by the threats of immediate death. In theſe and in other caſes, of the like nature, it may be a queſtion whether the obligations exiſt, but if they do exiſt, no power can diſpenſe from them.—We muſt alſo add, that, by the Oaths and Compacts here referred to, the

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Bill does not refer to vows, or other promiſes made to God, and which do not affect the Rights of third Perſons.

ANOTHER objection made to the Oath, we underſtand is, that by it *the Doctrine "that Princes excommunicated "by the Pope, or by the authority of the See of Rome, may be depoſed or murdered by their ſubjects or any other perſon" is called heretical.*

To this it is anſwered, that, among the many Epithets expreſſive of abhorrence, which the Engliſh language furniſhes, and none of which are too ſtrong to expreſs the abhorrence which Engliſh Catholics have of the Doctrine referred to in this clauſe, the Epithet here inſerted is one of the laſt which would have occurred to us. The fact is, that, the whole of this clauſe was inſerted upon the ſuggeſtion of one of the firſt perſonages in this Kingdom. He obſerved, that, an uniformity of Oaths throughout the Kingdom was greatly to be deſired; that, the religious ſcruples of the Catholics made them refuſe one part of the Oath of Supremacy, but that they had no religious objections, either to the other parts of the Oath of Supremacy, or to any part of the Oath of Allegiance, or the Oath of Abjuration. He, therefore recommended, that, the whole of the Oaths of Allegiance and Abjuration, and as much of the Oath of Supremacy, as Catholics do not think contrary to faith, ſhould be inſerted in the Oath to be taken by them.—To this circumſtance the inſertion of the word *Heretical* is owing.

With reſpect to its propriety,—We beg to ſubmit to you, that, the propoſition, "It is our duty to give to Cæſar, what is Cæſar's," is a precept of the Goſpel, and that all Divines interpret this precept to extend, as much to the obligation of not diſturbing Cæſar, in the poſſeſſion of what belongs to him, as to the obligation of reſtoring to him, that, which is unlawfully taken from him.—Excommunication does not deprive a Prince of his right to the Throne, nor make him forfeit his life—Cæſar's throne and Cæſar's life belong to Cæſar, as much after, as before Excommunication. It follows, that, to ſay a Prince excommunicated, may be depoſed or murdered, is to aſſert that his being excommunicated, gives his ſubjects a right to deprive him of his throne or his life; or in other words to diſturb Cæſar in the poſſeſſion of what belongs to him. This doctrine is directly contrary to the doctrine of the Goſpel. With reſpect to its being Heretical, We beg to call your attention to the diſtinction in the ſchools between, a *material* and a *formal* Hereſy. A Doctrine contrary to the word of God, if it have not been expreſsly condemned as ſuch, by the authority of the Church, is ſaid to be *materially* heretical.—When it has been expreſsly condemned as ſuch by authority of the Church, it is ſaid to be *formally* heretical.—In the Oath of Allegiance preſcribed by the ſtatute of James the I. is the following clauſe. "And I do further ſwear, That I do from my heart abhor, deteſt and abjure as impious and heretical "this damnable doctrine and poſition,—That Princes which be excommunicated, or deprived by the Pope, "may be depoſed or murdered by their ſubjects, or any other whatſoever." Pope Paul the Vth. by three briefs reprobated this Oath. The Divines of the Univerſity of Paris being conſulted upon it, fifty-nine of them were of opinion that the Catholics of England might take it with a ſafe conſcience, without renouncing their faith. "The propoſition, ſo far as it aſſerts, that princes may be depoſed, being *materially*, that "is in ſubſtance, heretical; and ſo far as it aſſerts that they may be murdered, being *formally*, that is expreſsly "pronounced by the Church, herectical." See Dr. Hooke's Religionis Naturalis, et Revelatæ Principia, 3 vol. p. 581.—In the Oath propoſed to the Catholics of Ireland, in 1775, the 3d Article runs as follows: "I fur-"ther profeſs, that it is no part of my belief; nay, that I reject the opinion, that princes excommunicated by "the Pope, or by the Pope and Council, or by any authority of the See of Rome, or by any authority what-"ſoever, may be depoſed, or put to death by their ſubjects, or by any other perſon whatſoever: and "therefore I promiſe that I will not hold, maintain, or countenance that, or any other opinion contrary to the "words of this Declaration." The Sorbonne being conſulted upon this Oath, gave their opinion, dated the 6th Nov. 1775. ſigned by all the Doctors. Upon the Article in queſtion, they thus expreſs themſelves; "We "likewiſe think, that the 3d Article may, and when occaſion offers, ought to be ſworn by the Catholics of Ireland: "Let not, however, the word *Opinion*, whereby this Article denominates the King-killing and depoſing Doc-"trine, be underſtood as implying any degree of kindneſs or indulgence for it. *Opinion* is the name generally "given to thoſe doctrines which Civilians, Philoſophers, and Divines rank among the aſſertions merely pro-"bable, and that have no evidence to militate either for or againſt them. But the King-killing and depoſing "Doctrine is not of this kind. It is evidently bad; *heretical, becauſe contrary to the Word of God: and "heretical in both ſenſes of the word; that is to ſay, materially and formally*: Materially, in as much as it ſuperadds "the lawfulneſs of putting them to death, agreeable to what was obſerved in the year 1680, by fifty-nine "Doctors of the Faculty of Paris, who gave their opinion as above-mentioned, concerning a form of oath for-"merly preſcribed in England by James the Firſt." See the Titular Archbiſhop of Cariſle's Juſtification of the Tenets of the Catholic Religion, Coghlan, 1787, page 145. We cite his Grace's tranſlation.

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We alſo underſtand, that it is objected, "That the Oath of 1778 is a complete Declaration of Allegiance; "that Government ought to be ſatisfied with it; and that no further Declaration of our principles "ſhould be required of us."

To this we beg leave to anſwer, That the nation at large ſeemed to think that a more explicit Declaration of our Principles was on this occaſion required from us, and our friends adviſed us to make it.

These we have the honour to inform you are the objections to the oath (ſo far as we have been able to collect them) and the anſwers to them. Did it contain any thing contrary to faith, or the word of God, there cannot be a queſtion but it ſhould be altered in every particular in which, upon this account, it were objectionable. But we beg leave to repeat, it contains nothing but a promiſe of that allegiance which every government has a right to claim from its ſubjects, and every ſubject owes the ſtate under which he lives. Did it even contain any thing ambiguous, all its ambiguities ſhould be ſet clear. But we find it contains no ambiguity. Every word has been repeatedly ſcrutinized by the firſt perſons of this country, The conſequence is, that in its preſent form it is univerſally acknowledged to be a complete and unequivocal Declaration of Allegiance, and a complete and unequivocal Proteſtation againſt the temporal power of the Church, againſt the Pope's temporal ſupremacy, and the right, either of the Pope, or of the Church, to abſolve ſubjects from their allegiance, or to diſpenſe with the civil or ſocial duties of Man. But here, in the opinion of all public men, it ends. In their apprehenſion, it does not contain one ſyllable which, conſtrued in the plain and obvious ſenſe of the words, denies the ſpiritnal authority of the Church, or the ſpiritual ſupremacy of the Pope. They do not think it varies in any reſpect from the Oath of 1778, except that in ſome inſtances, it *expreſſes* what, in their opinion, that Oath *implies*. Thus *IT IS NOT CONSIDERED BY THEM AS A PROFESSION OF FAITH; THEY CONSIDER IT MERELY AS A PROFESSION OF ALLEGIANCE AND A REJECTION OF OPINIONS IMPUTED TO US, WHICH IN THEIR POLITICAL OPERATION HAVE A TENDENCY TO INJURE THE STATE.* Againſt theſe we proteſt. But the partition between us and the eſtabliſhed church, remains, and by them is known to remain as before.

At all events, this much is effected, that the nation will no longer conſider us as dangerous or doubtful ſubjects. Our religious principles they may conſider as erroneous, but our political opinions will no longer give them alarm. We know they are diſpoſed to ſerve us. Our affairs have long engaged the attention of the public. Had there been any where a wiſh to injure us, it muſt have manifeſted itſelf long before the preſent day. But no ſymptom of this nature has appeared. On the contrary, we have received from every quarter the warmeſt promiſes of aſſiſtance and ſupport.

Under theſe auſpicious circumſtances, our buſineſs has been brought forward. Our Petition (a tranſcript from the Declaration) is in both Houſes of Parliament. We have delivered up the bill to the gentleman, who has undertaken to introduce it into the Houſe. It muſt now be conſidered as in the hands of the Legiſlature. On their juſtice and humanity we reſt our cauſe, and truſt for its ſucceſs.—We ſubjoin, after the heads of the intended Bill, a Copy of a Letter we have written to the four Vicars Apoſtolic.

With the greateſt reſpect,

My Lords and Gentlemen,

London.

25th. November, 1789.

We have the honor to be

Your moſt obedient humble Servants,

CHARLES BERINGTON.
JOS. WILKS.
PETRE.
JOHN THROCKMORTON.
WILLIAM FERMOR.
JOHN TOWNELEY.
THOMAS HORNYOLD.

HEADS OF A BILL

To relieve upon Conditions, and under Reſtrictions, Perſons called PROTESTING CATHOLIC DISSENTERS, from certain Penalties and Diſabilities, to which Papiſts, or Perſons profeſſing the Popiſh Religion, are by Law ſubject.

IT recites, That by diverſe laws now in force concerning Papiſts, or perſons profeſſing the Popiſh Religion, diverſe penalties and diſabilities have been impoſed on ſuch perſons on account of certain pernicious doctrines attributed to them.

And that diverſe perſons who, according to the laws now in being, are within the deſcription of Papiſts, or perſons profeſſing the Popiſh Religion, do not hold and have proteſted againſt ſuch pernicious doctrines, although they continue to diſſent in certain points of faith from the Church of England, and are therefore called Proteſting Catholick Diſſenters, and ſuch perſons are willing ſolemnly to proteſt againſt and to declare, that they do not hold ſuch pernicious doctrines.

And that it is expedient that ſuch perſons as ſhall ſo ſolemnly proteſt and declare againſt their holding ſuch pernicious doctrines, although they ſhall continue to diſſent in certain points of faith from the Church of England, ſhall be relieved from the penalties and diſabilities to which Papiſts, or perſons profeſſing the Popiſh Religion, or their children, or perſons educated in the Popiſh Religion, are by law ſubject, except as therein after excepted.

It is therefore enacted, That, from and after the making and paſſing of the Act, the Oath of Allegiance and Abjuration, and of Proteſtation and Declaration therein after expreſſed, may and ſhall be adminiſtered by any of the ſame Courts, and may and ſhall be regiſtered in the ſame manner, and ſhall give the ſame benefits and advantages, and ſhall be, and operate to and for the ſame intents and purpoſes whatſoever, as in and by the Act made and paſſed in the 18th year of his preſent Majeſty is enacted, concerning the Oath thereby preſcribed.

And that liſts of the perſons taking the Oath, ſhall be returned annually to the Clerk of the Privy Council.

It is then enacted, that the Oath of Allegiance and Abjuration, and of Proteſtation and Declaration, ſhall be in the words following:

" I, A. B. do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to Majeſty
" And I do truly and ſincerely acknowledge, profeſs, teſtify, and declare,
" in my conſcience, before God and the world, that our Sovereign
is lawful and rightful of this realm, and all other Majeſty's dominions
" thereunto belonging: and I do ſolemnly and ſincerely declare, that I do believe in my con-
" ſcience, that not any of the deſcendants of the perſon who pretended to be Prince of
" Wales, during the life of the late King James the Second, and after his deceaſe pretended to be,
" and took upon himſelf the ſtyle and title of King of England by the name of James the Third, or
" of Scotland by the name of James the Eighth, or the ſtyle and title of King of Great Britain, hath
" any right or title whatſoever to the Crown of this Realm, or any Dominions thereunto belonging;
" and I renounce, refuſe, and abjure, any Allegiance or Obedience to any of them; and I do ſwear,
" that, I will bear Faith and true Allegiance to Majeſty and will defend
to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever,
" which ſhall be made againſt Perſon, Crown, or Dignity; and I will do my utmoſt
" endeavour to diſcloſe and make known to Majeſty and Succeſſors,
" all Treaſons and traiterous Conſpiracies, which I ſhall know to be againſt and I do

" faithfully

" faithfully and fully promiſe, to the utmoſt of my power, to ſupport, maintain, and defend the ſucceſſion " of the Crown againſt the deſcendants of the ſaid James, and againſt all other perſons whatſoever; " which ſucceſſion by an Act, intituled, *An Act for the further limitation of the Crown, and better* " *ſecuring the rights and liberties of the ſubject*, is, and ſtands limited to the Princeſs Sophia, Electreſs, " and Ducheſs Dowager of Hanover, and the heirs of her body being Proteſtants: And I do ſwear, " that I do, from my heart, abhor, deteſt and abjure, as impious and heretical, that damnable doctrine " and poſition, that Princes excommunicated or deprived by the Pope, or any authority of the See of " Rome, may be depoſed or murdered by their ſubjects, or any other perſons whomſoever; and I do " proteſt and declare, and do ſolemnly ſwear it to be my moſt firm and ſincere opinion, belief, and per- " ſuaſion, That neither the Pope, nor any General Council, nor any Prieſt, nor any Eccleſiaſtical Power " whatſoever, can abſolve the ſubjects of this Realm, or any of them, from their Allegiance to " ſaid Majeſty; and that no foreign Prince, Perſon, Prelate, State, or Potentate, hath, or ought to " have, any Civil Juriſdiction or Authority whatſoever within this Realm, or any Spiritual Authority, " Power, or Juriſdiction whatſoever within this Realm, that can, directly or indirectly, affect or " interfere with, the Independence, Sovereignty, Laws or Conſtitution of this Kingdom, or with " the Civil or Eccleſiaſtical Government thereof, as by Law eſtabliſhed, or with the Rights, " Liberties, Perſons, or Properties of the Subjects thereof; And that no perſon can be abſolved from " any ſin, nor any ſin whatever be forgiven at the pleaſure of any Pope, or of any Prieſt, or of any " Perſon whomſoever; And that no breach of faith with, or injury to, or hoſtility againſt, any " Perſon whomſoever, can ever be juſtified, by Reaſon, or under pretence that ſuch Perſon is an " Heretic or an Infidel; And that neither the Pope, nor any Prelate, nor any Prieſt, nor any " Aſſembly of Prelates or Prieſts, nor any Eccleſiaſtical Power whatever, can, at any time, diſpenſe " with, or abſolve me from the obligations of this Oath, or of any other Oath, or of any " Compact whatſoever; And I do alſo in my conſcience declare and ſolemnly ſwear, that I acknow- " ledge no infallibility in the Pope; and all theſe things I do plainly and ſincerely declare, acknow- " ledge, and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain and " ordinary ſenſe of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation " whatſoever; and I do make the aforeſaid Proteſtation, Declaration, Recognition, Acknowledgment, " Abjuration, Renunciation, Promiſe and Oath, heartily, willingly and truly, upon the true faith of " a Chriſtian. So help me God."

And it is then enacted, That every Perſon who ſhall take and ſubſcribe the Oath of Allegiance and Abjuration, and of Proteſtation and Declaration, therein before appointed to be taken and ſubſcribed, ſhall thenceforth be deemed and taken in law to be a " Proteſting Catholic Diſſenter;" And that, none of the Laws now in force againſt or concerning Papiſts, or Perſons profeſſing the Popiſh Religion;—Or againſt or concerning Popiſh Recuſants;—Or againſt or concerning Popiſh Recuſants Convict;—Or againſt or concerning Perſons educated in the Popiſh Religion;—Or againſt or concerning Perſons reconciled to, or holding Communion with the See of Rome;—Or againſt or concerning Popiſh Biſhops, Prieſts or Deacons; or Perſons entering into or belonging to any Eccleſiaſtical Order or Community of the Church of Rome;—Or againſt or concerning Perſons hearing or ſaying Maſs; or being preſent at, or conforming to, or performing any Rite, Ceremony, Practice or Obſervance, of the Church of Rome;—Or againſt or concerning perſons not reſorting or repairing to his or her Pariſh Church or Chapel, or ſome other uſual place of Common-Prayer, to hear divine ſervice, and join in publick worſhip, according to the forms and rites of the Church of England, as by law eſtabliſhed;—Or againſt or concerning Perſons keeping or having any ſervant, or other Perſon, being a Papiſt or reputed Papiſt, or Perſon profeſſing the Popiſh Religion, who ſhall not ſo reſort, or repair to his or her Pariſh Church or Chapel, or ſome ſuch other uſual place of Common Prayer as aforeſaid;—Or againſt or concerning Perſons not taking and ſubſcribing the Oath commonly called the Oath of Supremacy, or the Declaration commonly called the Declaration againſt Tranſubſtantiation; or the Declaration, commonly called the Declaration againſt Tranſubſtantiation and Invocation of Saints;—Nor any Law requiring the Regiſtry of the Names and real Eſtates, or Enrolment of the Deeds and Wills of Popiſh Recuſants or Papiſts, or Perſons educated in the Popiſh Religion, or whoſe Parent or Parents ſhall be a Papiſt or Papiſts, or who ſhall uſe or profeſs the Popiſh Religion;—Shall extend, or be conſtrued to extend, to any ſuch Proteſting Catholick Diſſenter, who ſhall have taken and ſubſcribed ſuch Oath of Allegiance and Abjuration, and of Proteſtation and Declaration, as aforeſaid; and in all caſes where Perſons are required to take and ſubſcribe the Oaths commonly called the Oath of Allegiance, the Oath of Abjuration, and the Oath of Supremacy;—Or the Declaration commonly called the Declaration againſt Tranſubſtantiation, or the Declaration commonly called the Declaration againſt Tranſubſtantiation and Invocation of Saints;—Any ſuch Proteſting Catholick Diſſenter as aforeſaid ſhall and may, at his or her election, take and ſubſcribe, in place of the ſame, the Oath of Allegiance and Abjuration, and of Proteſtation and Declaration herein before mentioned and appointed to be taken as aforeſaid; And ſuch laſt-mentioned Oath of Allegiance and Abjuration, and of Proteſtation and Declaration, may and ſhall alſo be adminiſtered and taken before the ſame perſons, and in the ſame manner, and ſhall give the ſame Benefits and Advantages, and ſhall operate to and for all the ſame Intents and Purpoſes whatſoever, (ſave as is herein after excepted and provided) as the aforeſaid Oaths commonly called the Oaths of Allegiance, Abjuration and Supremacy, or the

aforeſaid

aforeſaid Declaration againſt Tranſubſtantiation, or the aforeſaid Declaration againſt Tranſubſtantiation and Invocation of Saints, in the room of which it is intended to be hereby ſubſtituted.

Proviſo, for certifying and regiſtering the Places of Worſhip and Miniſters of ProteſtingCatholick Diſſenters.

Proviſo, that no Aſſembly for religious Worſhip of Proteſting Catholick Diſſenters ſhall be had with the Doors locked, barred or bolted.

Proviſo, for enabling Proteſting Catholick Diſſenters to exerciſe Parochial or Ward Offices, by Deputy.

Proviſo, to exempt Proteſting Catholick Prieſts from ſerving upon Juries and on Parochial or Ward Offices.

Proviſo, to enable Juſtices of Peace to tender the Oath preſcribed by the Act to any Perſon going to any Place of Aſſembly licenſed by the Act.

Proviſo, that the Laws in Force for frequenting of Divine Service on the Lord's Day, ſhall continue in Force againſt Offenders, unleſs they come to ſome Congregation or Aſſembly permitted by the Act, or by the Act of Toleration.

Proviſo, that the Act ſhall not extend to Perſons writing againſt the Trinity.

Proviſo, that no Benefit in the Act ſhall extend to any Diſſenting Catholick Eccleſiaſtick officiating in any place of Congregation with a Steeple or Bell, or who ſhall exerciſe any of the Ceremonies of his Religion, or wear the Habits of his Order, except within ſome Place of Congregation licenſed by the Act, or in a private Houſe.

Proviſo, That nothing therein contained ſhall be conſtrued to exempt any ſuch Proteſting Catholick Diſſenter, as aforeſaid, from paying Tythes or other parochial Duties, or any other Duties to the Church or Miniſter; or from any Proſecution, in any Eccleſiaſtical Court, or elſewhere, for the ſame; or to repeal any part of the Statute made in the 26th Year of the Reign of his late Majeſty King George the Second, intituled "An Act "for the better preventing of Clandeſtine Marriages" or any parts of any other Statute concerning Marriages; or to give any Eaſe, Benefit, or Advantage to any Perſon, who ſhall by preaching, teaching, or writing, deny or gainſay the Oath of Allegiance and Abjuration, and of Proteſtation and Declaration, therein before mentioned, and appointed to be taken as aforeſaid, or the Declarations or Doctrines therein contained, or any of them; or to repeal or affect any Law now in Force concerning the Right, or Succeſſion to, or the Limitation of the Crown; or concerning the Election of any Member or Members to ſerve in Parliament, or to enable any Perſon to ſit in either Houſe of Parliament, or to be of his Majeſty's moſt honourable Privy Council; or to hold, enjoy, or exerciſe any Office, Civil or Military, unleſs duly qualified in the manner now required by Law; or to educate any Child a Papiſt, or any Child of Proteſtant Parents, a Proteſting Catholick Diſſenter.

Proviſo, That nothing in the Act contained ſhall make it lawful to found, endow, or eſtabliſh, any religious Order or Society of Perſons, bound by monaſtic or religious Vows, within this Realm, or the Dominions thereunto belonging; and that all Uſes, Truſts and Diſpoſitions, whether of real or perſonal Property, which immediately before the paſſing of the Act ſhall have been deemed to be ſuperſtitious or unlawful, ſhall continue to be ſo deemed and taken.

Proviſo, That nothing in the Act contained ſhall extend, or be conſtrued to extend, to that part of Great Britain, called Scotland.

A Copy of a Letter, written by the Committee of English Catholics to the Four Apostolic Vicars.

My Lords,

At a Meeting of the Catholic Committee, held on the 19th of November 1789, We took into Conſideration an Encyclical Letter, which you have been pleaſed to addreſs to us and to all the Faithful in your four diſtricts, and we now offer, with the greateſt deference, to your Lordſhips the reſult of our deliberations.

Conscious, that we never had any other object in view than to procure for the Engliſh Catholics, who have honored us with their truſt, a releaſe from the numberleſs grievances, under which they have ſo long and ſo unjuſtly laboured.—We cannot but lament our misfortune in having incurred the diſapprobation of them, who from their ſtation in this country are the natural Guardians of the Catholic Religion.

Some miſconception, we apprehend, muſt have taken place; and, this miſconception once rectified, we ſtill entertain the flattering hope, that your Lordſhips, far from raiſing any impediment to obſtruct, will heartily grant us your concurrence to accelerate, the ſucceſs of our well meant endeavours in ſerving the common intereſts of the Catholic body.

We doubt not, but that your Lordſhips have uſed *mature deliberation and previous diſcuſſions:*—We cannot however forbear expreſſing our regret, that none of thoſe perſons, who have been concerned in promoting and conducting this buſineſs of general utility, were called in by your Lordſhips to explain their ſentiments, and give that information, which probably would have prevented any neceſſity of iſſuing a public cenſure.

Your Lordſhips have unanimouſly condemned the form of an Oath intended for the Catholics,—yet we beg leave to repreſent, that this very form was, not many months ſince, ſanctioned with the approbation of one of the four Apoſtolical Vicars, who, as a Member of the Committee, has all along been conſulted, and without whoſe concurrence not one ſtep has ever been taken.

In condemning the form of the Oath, your Lordſhips have not condeſcended to point out what particular parts you judge to be reprehenſible,—and as the Oath contains no formula of faith, or declaration of religious doctrines, we are at a loſs to diſcover what can make it an object of eccleſiaſtical cenſure.

You have declared the form of the Oath unlawful to be taken:—but as your Lordſhips decline to ſpecify, for what reaſons or through what motives it is unlawful, we are bewildered in conjecturing why we ſhould be reſtrained from giving to our country a ſolemn pledge of our principles as men and as citizens.

For, my Lords, what is the form of the intended Oath? It is no profeſſion of the peculiar doctrines, which the Catholic Church teaches in oppoſition to thoſe Churches, who have ſeparated from her Communion; it is only a declaration of the innocence of our principles in ſocial and civil concerns. Our faith is not brought forward in this Oath; the rights of conſcience are not even conſidered; religion is not mingled with concerns of a mere temporal nature: all we are required to ſwear, is, that we maintain no tenets, which can hinder us from faithfully diſcharging the duties of honeſt men and of peaceable ſubjects.

In the beginning of the preſent year, we followed the example of your Lordſhips, in ſubſcribing a public renunciation of thoſe odious and pernicious doctrines, which the injuſtice of prejudice has ſo long imputed to us with equal violence

violence and falſehood: doctrines, which, if we really held them, would render us, (as our miſinformed Adverſaries have conſtantly repreſented us to be,)—unworthy of civil liberty and the protection of the ſtate.—We rejoiced in an opportunity to remove effectually every inveterate prejudice, and to place our integrity beyond the reach of obloquy and ſuſpicion. The body of the Engliſh Catholics concurred; an inſtrument was generally ſigned, and preſented to both Houſes of Parliament, as the pledge of our honor, and the public monument of our uprightneſs. From this we cannot recede without prevarication.

THE ſolemnity of an official Oath can add nothing to the obligation of a deliberate and public proteſtation; and the only utility in ſubſcribing a proteſtation againſt imputed errors was obviouſly to ſerve as a baſis for a future plan to procure redreſs from thoſe grievances, which nothing but the accuſation of holding pernicious doctrines had brought upon our body. The oath therefore followed the proteſtation as a thing of courſe, and ſince it does not in any one particular deviate eſſentially from the proteſtation, it conſequently forms one and the ſame inſtrument,—and as this inſtrument has been publickly delivered before the eyes of the nation into the hands of the Legiſlature, any appearance of departing from it might be juſtly conſtrued as a proof of unfair dealing, and would, of courſe, confirm thoſe prejudices, we have ſo long and ſo anxiouſly ſtudied to remove from the minds of our Countrymen. Engliſh Catholics would labour more than ever under national odium, and our late proceedings would be held out as a demonſtration, that Catholics cannot in truth give ſecurity to a Proteſtant Government.

MY LORDS, in the concerns of ſalvation we reverence the Epiſcopal authority, and we have not the preſumption to intrude ourſelves into the deciſion of religious controverſies: but while we reſpect that Authority, which the goſpel of Heaven has empowered its Miniſters to exerciſe, we cannot but recollect, that we are men and citizens, and as ſuch have rights to claim and duties to perform. If we ſacrificed our faith to our temporal intereſts, we ſhould be unworthy of the Communion of Chriſt's Church; but we conceive it to be a duty incumbent upon us to renounce all thoſe pernicious doctrines, which are falſely imputed to us, which make our Religion odious, which prejudice our fame, and which debar us from the enjoyment of our temporal rights. As often as unjuſt charges are brought againſt us, we owe it to truth, to candour, to ourſelves, to the public, to diſavow and repel thoſe charges. If the Government of our Country call upon us to ratify our diſavowal by an Oath, we eſteem ourſelves authoriſed, and indeed bound, to give this moſt ſolemn atteſtation of our ſincerity. *IN SATISFYING THE MINDS OF THE PREJUDICED,—IN PROVING OUR UPRIGHTNESS TO THE LEGISLATURE,—IN CLEARING OUR RELIGION FROM DISGRACEFUL ASPERSIONS, IN ATTEMPTING, BY HONEST MEANS, TO RECOVER THOSE TEMPORAL ADVANTAGES, FROM WHICH NOTHING BUT MISREPRESENTATION HAS EXCLUDED US;—IN DOING THIS, MY LORDS, WE ARE PERSUADED THERE CAN BE NO ENCROACHMENT UPON THE PASTORAL AUTHORITY, AND AS OFTEN AS OPPORTUNITIES OFFER OF DOING IT WITH SUCCESS, WE CANNOT REFRAIN BELIEVING YOUR LORDSHIPS WILL COUNTENANCE OUR ENDEAVOURS.*

YOU require, my Lords, our ſubmiſſion to your determinations;—but we intreat you to conſider again whether there be any ſolid grounds of condemnation, whether every motive of conſcience and honor do not oblige us to abide by what we have already done as a body, whether the form of the intended Oath contains any thing more than a pledge of our ſocial and civil principles, whether it may not be taken in perfect conſiſtency with the moſt entire and unfeigned belief of any doctrine of the Catholic Church.

MY LORDS, it is not without pain and ſorrow we recollect, that if the Catholics of England have often been oppreſſed and puniſhed for a conſcientious adherence to the faith of their Church, they have ſometimes alſo ſuffered from an imprudent interference of eccleſiaſtical authority in civil concerns. The Divine Author of our Religion declared, *his kingdom is not of this world*,—and, while he directed the views of his followers towards an everlaſting ſettlement, he left them under the obligation of diſcharging every duty, which their ſocial and political combinations might impoſe.

BORN to fulfill all righteouſneſs, Jeſus Chriſt, beſides performing the work of his Father in the ſalvation of ſouls, ſet an example of complete obedience to the eſtabliſhed Government of his country. *As a Jew*, he complied with the law of Moſes; *as a Roman*, he complied with the edicts of the Emperor. He ſtrongly marked the line, which divides civil from religious duties, and bade his followers *give to Cæſar what belongs to Cæſar, and to God what belongs to God*. His religion ſoon ſpread, and the ſtate adopted it. From this alliance temporal and ſpiritual concerns were inſenſibly mingled; a perplexing confuſion often enſued; and in many caſes, when the two powers ſtood in oppoſition, it became difficult, and to ſimple minds, impoſſible, to reconcile their duty to Cæſar with their duty to God. One memorable inſtance our preſent circumſtances prompt us to bring to your Lordſhips recollection.

AFTER the infernal horrors of the Gun-powder treaſon, James I. was ſtrongly excited, by the clamours of a terrified nation, to exterminate the race of Engliſh Catholics. But James was tolerant and juſt. He declared, he would never confound the innocent multitude with the guilty few; and in order to pacify an enraged people, and ſhelter from deſtruction the devoted victims, he drew up himſelf a teſt, by which he might diſcriminate the legal and conſcientious Catholic from the dangerous bigot, who was actuated by fanatic zeal, or driven from his duty by the predominancy of foreign politics. He propoſed an Oath of Allegiance, and with elaborate care, and the niceſt exactneſs, ſeparated ſpiritual from temporal concerns. He left to conſcience all its rights in matters of ſalvation,

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and only required a ſolemn proteſtation of fidelity to the Government of the ſtate. His Catholic ſubjects preſented themſelves with ardor to give their pledge of fealty, exulting in an opportunity to reconcile at length their political and their religious obligations.

Their joy was ſhort. Paul V. who then ſat in the Papal Chair, fulminated a condemnation of this political Oath. He declared it inconſiſtent with faith and hoſtile to ſalvation. The extravagance of Paul's condemnation raiſed amazement, and his brief was treated by the Engliſh Catholics as ſpurious. But they were not long permitted to indulge their error. Another, and another brief ſucceeded to confirm the firſt; and, by ſome unaccountable blunder, the illuſtrious Bellarmine, employed to juſtify by his writings the deciſion of the Pope, confounded an Oath of political Allegiance, with the Oath againſt acknowledging any ſpiritual primacy in the Succeſſor of St. Peter.

We need not re-trace to your Lordſhips the diſmal conſequences of this precipitate condemnation. It ſcandalized foreign Catholics, it fomented diviſions among the Catholics at home, it frightened from their loyalty the ſcrupulous and un-informed, it converted dutifulneſs to the ſtate into refractorineſs againſt the Church,—And, what we Engliſh Catholics have ſtill, at this very day, to lament, it has left an almoſt indelible impreſſion on the minds of Proteſtants, that it is a meritorious and neceſſary part of a Catholic's ſubmiſſion to be guided implicitly by his eccleſiaſtical Superiors, even in concerns avowedly of a temporal nature.

My Lords, to this imprudent interference of Paul V. Engliſh Catholics may aſcribe in a great meaſure, all the odium and all the oppreſſion under which they have ſince groaned. We beg leave to recite the words of condemnation. No particular parts in the Oath are ſingled out as exceptionable, the whole is reprobated in the following terms. "Satis vobis ex verbis ipſis perſpicuum eſſe debet, quod hujuſmodi juramentum, ſalva fide Catholica & ſalute animarum veſtrarum præſtari non poteſt, cum *multa* contineat quæ fidei atque ſaluti apertè adverſantur. Propterea monemus vos, ut ab hoc & ſimilibus juramentis præſtandis omnino caveatis."

The laſt words are remarkable. It was not enough for the vehemence of Paul V. to deter the Engliſh Catholics from giving the particular pledge required, he would bind them down from ever giving an equivalent one. And yet, my Lords, what avail the commands of authority, when it miſtakes its object and exceeds its juſt limitation? A ſupreme Pontiff, at a period when the rage of controverſy confounded earthly with heavenly things, menaced to ſhut the gates of Heaven againſt thoſe, who ſtudied to promote good order upon earth:—but in a calmer age Apoſtolical Vicars diſavowed, by their exemplary conduct, the violence of former times, and graſped with eagerneſs an opportunity of taking that very oath, which had been reprobated as openly adverſe to faith and ſalvation. *The Oath condemned by Paul V. with the exception of the word heretical, has been taken by your Lordſhips*, and this very Oath, once the cauſe of ſo many diſſenſions, and ſo much unhappineſs, is now recommended by your Lordſhips as the ground-work of our future proceedings.

This brings us, my Lords, to a conſideration of the Letter, which the ſenior Apoſtolical Vicar ſent in your name to four members of the Catholic Committee. Your Lordſhips aſk, "*May it not be more prudent to drop at preſent any further purſuit of the meaſures, which have been begun?*" For numberleſs reaſons, my Lords, that purſuit cannot be dropped. Our buſineſs has proceeded too far, it has been laid before the Public, it has already engaged the attention of the Legiſlature, every circumſtance ſeems to promiſe it ſucceſs, and if the Catholics of England loſe the opportunity of recovering their civil and religious rights, it is probable they will ever after look in vain for their emancipation.

THAT the Oath of 1778 *is a very ſufficient teſt of our Allegiance to the King, and Fidelity to Government*, we entirely agree with your Lordſhips; but that *it will ſatisfy at preſent*, when a more ample toleration is applied for, we have not the ſlighteſt reaſon to expect.

When a partial Indulgence was granted in 1778, your Lordſhips recollect what clamours and diſturbances it raiſed. Deluded by hereditary prejudices, and long habituated to miſtake and execrate our principles, the moſt violent among our Proteſtant fellow-ſubjects ſet no bounds to their hatred. They repeated ancient accuſations, they inſiſted upon our holding pernicious doctrines, they defied us to diſprove the charge by a public diſavowal of the imputed tenets, they held us out as dangerous enemies to every Proteſtant Government, and branded us with holding principles irreconcilable with ſocial honeſty and civil freedom. If at preſent the Legiſlature ſhould extend its indulgence, unleſs theſe inveterate prejudices are removed, might we not dread a return of that uproar and confuſion, which convulſed the nation in 1780? The animoſities therefore of a numerous party were to be previouſly allayed. For this purpoſe the Proteſtation and the ſubſequent Oath were framed. Already they appear to have anſwered the intended purpoſe; many, who avowed themſelves our adverſaries, are become cordial in our ſupport; we are reinſtated in their good opinion as Men and Citizens; they behold our Religion without deteſtation: and they will ſee us with pleaſure admitted into the participation of rights, from which nothing has excluded us, but the national perſuaſion, that we held theſe pernicious doctrines.

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THE Proteſtation and ſubſequent Oath were therefore an indiſpenſible addition to the Oath of 1778. This Proteſtation, my Lords, is the only inſtrument to give ſucceſs to our application, and if it is ſo ſalutary in its effects, what objection can Catholics have to receive from the Legiſlature a name grounded upon it, and expreſſive of their ſituation in this country? The preamble of the Bill ſo unequivocally determines for what reaſons we are to be called *Proteſting Catholic Diſſenters*, that it is impoſſible any miſtake ſhould be committed, or any offence be taken. Can foreign Catholics be diſ-edified, becauſe we proteſt againſt pernicious doctrines falſely imputed to the Catholic Church? But foreign Catholics themſelves abhor theſe pernicious doctrines; Catholic Univerſities condemn them with zeal and ſeverity; and as to the words *proteſt* and *Proteſtation*, they are not unfamiliar to Engliſh Catholics. In the admired account of Roman Catholic Principles, which was drawn up in the reign of Charles II. are theſe forcible expreſſions:—*We abhor, we renounce, we abominate ſuch principles; we* PROTEST *againſt them, and ſeal our* PROTESTATION *with our dying breaths.*

HITHERTO, my Lords, the Catholics of this Country have been deſcribed in all public Acts by the appellation of *Papiſts* or *Popiſh Recuſants*, an appellation adopted and continued as a ſtigma of opprobrium, purpoſely deſigned to mark out the Communicants with the See of Rome as perſons attached to pernicious doctrines and involved in dangerous connections; an appellation in ſhort never given by a Proteſtant without contempt and rancour, never heard by a Catholic without humiliation and abhorrence. Can Catholics then feel any reluctance in reſigning an opprobrious nick-name? and ſince a *Papiſt* in the Acts of the Legiſlature, and in the acceptation of the people, invariably means a perſon, who holds pernicious doctrines,—what Catholic can ſigh for the privilege of educating his child a *Papiſt?* He will be at full liberty to inſtil into the minds of his children the ſound doctrines of Catholicity, and his Proteſtant neighbour will no longer upbraid him with depraving their young minds with early leſſons of diſhoneſty ſanctioned by pretenſions of religious zeal.

THERE are two other clauſes in the Bill, which your Lordſhips wiſh to have ſuppreſſed, that of *not educating any Child of proteſtant parents a proteſting Catholic Diſſenter*, and that of *uſes, truſts, and diſpoſitions of property* remaining as they were before the Bill. We beg leave to remind your Lordſhips, that theſe are not new clauſes now firſt brought forward, they are of ancient ſtanding; the Legiſlature deems it prudent to reſerve them; they are not of our contrivance; nor do they imply our acquieſcence in their juſtice or propiety;—but ſhall we refuſe an exemption from numberleſs grievous ſtatutes, becauſe the Legiſlature does not as yet judge it expedient to gratify our every wiſh? As to theſe particulars we ſhall not be worſe than we are at preſent,—in every other caſe of exemption we ſhall be infinitely better. The firſt clauſe is to prevent improper Arts in ſeducing children before they have attained to maturity of reaſon: a practice, which has been often imputed to Catholics, and has been violently complained of, (though without any *grounds of truth*,) as extremely common, ſince the indulgence of 1778. To be reconciled to the Church of Rome will no longer be criminal, when the party is of an age to determine his choice of religion by conſcientious motives.—As to the other clauſe it is a ſtanding Law, which affects Proteſtant Diſſenters as well as ourſelves, and our preſent object of purſuit is only to be placed on a level with Proteſtant Diſſenters. Beyond them we cannot expect to be favored; but if ever they accompliſh their purpoſe of recovering every civil and religious right, we have no reaſon to dread an excluſion from the ſame advantage.

My Lords, we have laid, with reſpect, our views and proceedings before you. The Proteſtation, the Petition, the ſtate of the Caſe, the Bill, uniformly reſt on the ſingle principle, that the Engliſh Catholics reject any pernicious doctrine imputed to them, and while they claim the right of following their conſcience in religious matters, can give to Government and the Nation every ſecurity of being honeſt men and peaceable ſubjects. Upon this ſingle principle we look, with well grounded hopes, for relief, and have a firm reliance that your Lordſhips will co-operate with us in effectuating ſo deſirable a purpoſe.

We have the honour to be,

London, with the greateſt reſpect,

25 *Nov.* 1789. Your Lordſhip's

Moſt obedient humble Servants,

Signed, PETRE.

CHAR. BERINGTON. JOHN THROCKMORTON.

JOS. WILKES. WILLIAM HERMOR.

JOHN TOWNELEY.

THOMAS HORNYOLD.

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